W.P. No. 172 (M.B.) 0f 2003:

Hon'ble Irshad Hussain, J.

Hon'ble M.M.Ghildiyal,J.

Heard Sri Manoj Tewari learned counsel for the petitioner and the learned C.S.C.

This is a petition for a writ of mandamus commanding the respondents no. 1 to 3 to permit the petitioner to contest the election for the office of Pradhan, Gram Panchayat. According to the averment of the petition the nomination paper of the petitioner was rejected in view of the same not being signed by the petitioner. It is thus obvious that there was no nomination paper in the eye of law for want at signatures of the petitioner and prime facie there appear to be no illegality in rejecting the nomination paper. Moreover, the election process has started and once the process starts the returning officer cannot be directed to conduct the election process afresh. There is constitutional bar as contained in Article 243-0 of the constitution of India and considering these aspect of the matter. We do not propose to entertain this petition the same is hereby dismissed.

The observations made above, however, shall not effect the case of the petitioner on merit if the election of the candidate is challenge by election petition by the petitioner.

(M.M.Ghildiyal,J.) (Irshad Hussain,J.)

Dated:
11.03.03